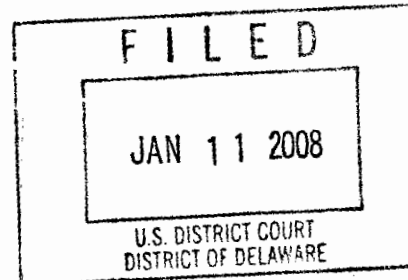


Office of the Clerk  
United States District Court  
844 N. King Street, Lockbox 18  
Wilmington, Delaware 19801-3570  
OFFICIAL BUSINESS

CA07-245SLR



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Rufus D. Anderson  
110 North Poplar Street  
New Castle NIXIE

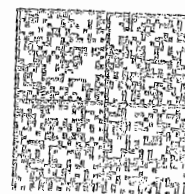
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RUFUS D. ANDERSON,

Plaintiff,

v.

NURSE DIRECTOR GAIL ELLER,  
MEDICAL DIRECTOR JOHN RUNDLE,  
and BUREAU CHIEF PAUL HOWARD,

Defendants.

Civil Action No. 07-245-SLR

**ORDER**

WHEREAS, plaintiff, Rufus D. Anderson, was a prisoner incarcerated at the Delaware Correctional Center at the time he filed his complaint under 42 U.S.C. § 1983, along with an application to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915;

WHEREAS, on May 16, 2007, this court entered an order granting leave to proceed in forma pauperis, and requiring plaintiff to pay the \$350.00 filing fee as determined by statute;

WHEREAS, on July 31, 2007, the court was notified that plaintiff is no longer incarcerated;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7<sup>th</sup> Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx.

429 (3d Cir. 2003).

WHEREAS, on November 13, 2007, the court ordered plaintiff to either pay the filing fee he owes (\$350.00) or submit a new standard form application to proceed without prepayment of fees and affidavit within thirty days of the date of the order (D.I. 10);

WHEREAS, the time has lapsed and plaintiff has not complied with the court's order of November 13, 2007;

THEREFORE, at Wilmington this 3d day of January, 2008, IT IS HEREBY ORDERED that the plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.

  
UNITED STATES DISTRICT JUDGE

CM/ECF LIVE - U.S. District Court:ded

Page 1 of 1

## Other Orders/Judgments

1:07-cv-00245-SLR Anderson v. Eller et al

PaperDocuments

**U.S. District Court**

**District of Delaware**

## Notice of Electronic Filing

The following transaction was entered on 1/8/2008 at 10:59 AM EST and filed on 1/8/2008

**Case Name:** Anderson v. Eller et al

**Case Number:** 1:07-cv-245

**Filer:**

**WARNING: CASE CLOSED on 01/08/2008**

**Document Number:** 12

### Docket Text:

ORDER DISMISSING CASE without Prejudice as time has lapsed and Pltf has not complied with court's order of 11/13/2007 (copy to pltf.) (CASE CLOSED). Signed by Judge Sue L. Robinson on 1/3/2008. (dab)

**1:07-cv-245 Notice has been electronically mailed to:**

**1:07-cv-245 Notice has been delivered by other means to:**

Rufus D. Anderson  
110 North Poplar Street  
New Castle, DE 19720

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1079733196 [Date=1/8/2008] [FileNumber=498926-0]  
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